

**Commerce & Labor Committee
House of Representatives
State of Washington**

Final Report for 2002

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House of Representatives
State of Washington

Date: April 30, 2002

2002 SESSION REPORT House Commerce & Labor Committee

Summary of Major Legislation

BUILDING AND CONSTRUCTION

Regulation of Contractors

Several bills were enacted that modify the regulation of construction contractors.

ESSB 6630 amends laws regulating electrical contractors and electricians. Key changes include establishing new certifications for master electricians; modifying work experience requirements and trade school program allowances for specialty electricians; and modifying ratio requirements and job site supervision requirements for noncertified persons.

Under **ESHB 2470**, plumbing contractors must verify hours worked by plumbing trainees, and that hours were properly supervised. The Department of Labor and Industries may, in certain circumstances, audit records and issue infractions to plumbing contractors that verify hours.

For the first time, licensing is required for elevator contractors and mechanics pursuant to **SHB 2629**.

Alteration of Manufactured and Mobile Homes

In 2001, the Legislature created the Joint Legislative Task Force on Mobile/Manufactured Home Alteration and Repair. **SSB 6364** implements the Task Force recommendations, including encouraging an interagency pilot project for issuing alteration permits by either the Department of Labor and Industries or by the local building official; modifying provisions related to sales of altered homes and requiring the seller to make the same property transfer disclosure that is required for dwellings on real property; and establishing a civil penalty for contractors that fail to obtain a required permit.

BUSINESS LICENSING & REGULATION

Farm Equipment Dealers

SHB 2893 modifies regulations governing the relationship between dealers and suppliers of farm equipment in the areas of repurchase payments, termination, warranty claims, safety work, product improvement, and remedies. The bill was developed by stakeholders in response to legislation heard last session.

International Matchmaking Organizations

ESSB 6412 requires international matchmaking organizations to facilitate the exchange of information regarding marital history and background checks for Washington resident clients. Makes it a violation of the consumer protection act for an IMO to violate notice requirements, or to continue providing services if background information is withheld.

Cosmetology

SB 6652 implements the recommendations of the state Cosmetology, Barbering, Esthetics, and Manicuring Board by changing educational requirements for certain practices, redefining categories of practice, and changing licensing requirements for individuals, salons, and schools. Legislation substantially similar was considered, but did not pass, in 2000 and 2001.

Other

Other bills enacted include SHB 2513, which authorizes the presale of a timeshare for which construction is not yet complete, and SSB 6264, which allows a chiropractor to be a licensed official at martial arts events.

COLLECTIVE BARGAINING

Higher Education Employees

Two bills provide for collective bargaining at public institutions of higher education. SHB 2403 establishes procedures for exclusive bargaining representatives of faculty at the public four-year institutions of higher education to bargain with the board of regents or trustees over wages, hours, and terms and conditions of employment. As the bill passed the Legislature, it required faculty shared governance organizations to be abolished before faculty members could engage in collective bargaining. However, the Governor vetoed two sections, removing the requirement for faculty members to choose between shared governance and collective bargaining.

In ESHB 2540, the public employees' collective bargaining law is made applicable to teaching and research assistants at the University of Washington, allowing them to bargain over wages, hours, and working conditions.

Home Health Workers

Initiative 775, enacted in 2001, gave certain in-home health services workers who are "individual providers" collective bargaining rights under the public employees' collective bargaining law. ESHB 2662 establishes requirements relating to dues deductions if these providers choose to be represented for collective bargaining.

EMPLOYMENT – GENERAL

Leave

Employees have greater flexibility to take leave to care for family members under **SSB 6426**. Employees may use not only their sick leave but also their other paid time off to care for a child with a health condition that requires treatment or supervision. For the first time, they also may use their leave to care for a spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition.

ESSB 5329, which died in the House Rules Committee, would have required employers to allow crime victims to take leave from work to obtain medical, legal, or other services.

Wage and Hour

In **ESB 6675**, certain health care facilities are prohibited from requiring registered nurses or licensed practical nurses to work overtime except under specified circumstances, including during unforeseeable emergencies, because of prescheduled on-call, after the employer makes reasonable efforts to obtain staffing, or when completing a patient care procedure.

Multiple bills that would have modified the minimum wage rate died in the House Commerce & Labor Committee. Three of these bills dealt with the rate applicable in the agricultural sector (**HB 2752**, **HB 2777**, and **HB 2802**). Two of these bills dealt with the rate applicable to trainees (**HB 2803** and **HB 2820**).

HB 2904, which died in the House Commerce & Labor Committee, would have required that state wage and hour laws be given the same meaning as comparable federal laws.

Other

Broadcasting industry employers would have been prohibited from requiring certain employees to enter into noncompetition agreements under **HB 2469** and a companion bill, **SB 6373**. HB 2469 died in the House Rules committee. SB 6373 failed on a vote in the Senate.

EMPLOYMENT – PUBLIC

ESSB 5264 makes it illegal to misclassify a state or local government employee as a “temp” or “contract” worker, or use other labels to avoid providing benefits the employee would be eligible for under the employer’s policies.

In 2001 the Legislature increased the number of positions that may be exempted from the classified civil service in certain county sheriff offices. **SSB 6600** made similar changes for certain municipal police departments.

GAMBLING, HORSERACING, & LOTTERY

Multi-State Lottery

Similar to legislation proposed in 2001, **SSB 6560** grants the required legislative approval for agreements with other states to conduct a multi-state game. In addition, this legislation establishes a program for pathological gambling treatment within the DSHS. A contribution from shared-game revenue to the student achievement and education construction funds is required in an amount to ensure at least a \$102 million annual contribution from lottery ticket sales. Shared-game revenue also must be used to fund pathological gambling treatment and problem gambling public awareness programs up to an annual maximum of \$1.5 million. Any remaining funds must be deposited into the general fund for support of K-12 schools.

Nonprofit Bingo Facilities

SHB 2918 removes the three-days-per-week restriction on conducting bingo games at a single facility, and permits existing bingo licensees to share facilities. Bingo operators who conduct bingo more than three days per week must include a warning against the problems of pathological gambling in all promotional material. Related legislation proposed, but not passed, in 2001, included authorizing electronic bingo to be conducted five days per week.

Other

Numerous other gambling proposals were introduced, including **HB 2900** and **SB 6193**, authorizing casino-style gaming at nontribal commercial and nonprofit establishments; **HB 2946**, authorizing the Lottery Commission to offer video lottery games; **HB 2953**, authorizing, and implementing a state tax on, electronic pull-tabs, **HB 3029**; approving five-minute keno games conducted by the Lottery Commission; and **SB 6561**, implementing a state tax on punchboards, pull-tabs, and social card games. Also, **HB 2817** clarified local zoning authority with respect to gambling facilities, and passed out of the House but was not heard in the Senate. It was substantially similar to legislation considered in previous biennia.

LIQUOR & TOBACCO

One bill addresses national background checks conducted for the purpose of both liquor and gambling licenses. **SB 6491** clarifies authority for the Liquor Control Board and the Gambling Commission to access the FBI database through the Washington State Patrol for the purpose of background checks. Both agencies historically have accessed the database through the WSP, but the provisions allowing access were in regulation, and not in statute. In 2001, the FBI reviewed state statutes and issued a requirement that language authorizing *national* background checks be placed in statute in order to allow continued access to its database by state agencies. The legislation brings the liquor and gambling statutes in compliance with this federal requirement.

UNEMPLOYMENT COMPENSATION

Benefits

Training benefits are enhanced in **EHB 2901**. The Commissioner of the Employment Security Department may obligate an additional \$34 million by December 31, 2002, to pay training benefits for dislocated aerospace workers. As part of a compromise involving “tax equity” (see below), the bill also freezes maximum weekly benefits until July 2004 and caps further maximum benefit growth at 4 percent until July 2010.

HB 1248 allows an individual to receive unemployment benefits after leaving his or her job because of domestic violence or stalking. Another bill, **SHB 2355**, which died on the Senate Second Reading calendar, would have allowed a special base year for an individual whose maximum benefit is reduced because he or she has taken family leave during the regular base year.

HB 2562, which was not reported out of the House Commerce & Labor Committee, would have modified certain criteria for receiving benefits. In particular, it would have eliminated the waiting week, permitted claimants to search for part-time work, and increased the earnings disregard.

Taxes

Under **EHB 2901**, various changes are made in the unemployment insurance tax system, including increasing the taxable wage base beginning in 2003 for employers in the two highest rate classes, increasing contribution rates beginning in 2003 in the lowest and two highest rates classes, and reducing contribution rates in the middle rate classes beginning in 2005. In 2005, employers with frequent ineffective charges will be subject to an equity surcharge.

Unemployment contribution rates for new and successor employers would have been increased by 20 percent in **SHB 2604**, which died in Senate Ways & Means Committee.

Administration

SSB 6735, which died in the House Rules Committee, would have allowed unemployment compensation recipients to opt to have their benefits paid via direct deposit to their bank accounts.

WORKERS' COMPENSATION

The presumption that certain diseases are occupational diseases for fire fighters is expanded in **2SHB 2663**. Conditions that will be presumed to be occupational diseases for fire fighters include heart problems experienced with 72 hours of exposure to smoke, certain cancers, and specified infectious diseases. However, fire fighters with heart and

lung conditions cannot use the presumption if they are regular users of tobacco or have a history of tobacco use.

2SSB 5797, which died in the House Rules Committee, would have revised the role of advanced registered nurse practitioners in treating injured workers by allowing them to sign accident reports and other required documents.

WORKFORCE TRAINING

In **ESJM 8014**, the executive heads of certain agencies are requested to work together to improve employment and training services for persons with disabilities and to report on activities and make recommendations for improving services to the Governor and Legislature.

A requirement for apprentice utilization on state public works projects in **2SHB 2630** died in the House Rules Committee.

Two resolutions, **SHCR 4402** and **SSCR 8404**, would have adopted the goals set forth in the state's comprehensive plan for work force training and education. These resolutions died in the House Rules Committee.

WORKPLACE SAFETY

Since 1999, when a "null and void" clause voided the statutory safety and health grant program, the Legislature has considered various proposals to reenact the program. In **E2SHB 2427**, which failed on a vote in the Senate, the program would have been reestablished to permit grants of up to \$250,000, and \$5 million would have been appropriated for grants from the amount in the medical aid funds that exceeds actuarial reserves. The 2002 supplemental operating budget (**ESSB 6387**) provides \$5 million from the medical aid fund for the program.

Efforts to repeal or delay enforcement of ergonomics rules were the subject of **HB 2730** and at least six other bills. These bills were not reported out of the House Commerce & Labor Committee.

Two bills relating to worker housing were considered. **SB 6328** extended the period during which cherry harvest workers may use temporary labor camps. These camps may be used from one week before harvest begins to one week after the harvest ends in the state. Another bill, **ESB 6769**, which died in the House Rules Committee, would have prohibited the Department of Labor and Industries from enforcing standards for range sheepherder mobile housing that exceeded federal standards.

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Enacted Bills

Bill Number (Companion)	Prime Sponsor	Summary	Status
<i>BUILDING & CONSTRUCTION</i>			
ESHB 2470	Conway	<i>Plumbing contractors.</i> Requires plumbing contractors to verify hours worked by plumbing trainees, and permits the Department of Labor and Industries, in certain circumstances, to audit records and issue infractions to plumbing contractors that verify trainee hours.	C 82 L 02
SHB 2629	Wood	<i>Elevator contractors and mechanics.</i> Establishes licensing requirements for elevator contractors and mechanics, and creates the elevator safety advisory committee.	C 98 L 02
SSB 6364	Winsley	<i>Mobile/manufactured home alteration and repair.</i> Implements the recommendations of the Joint Legislative Task Force on Mobile/Manufactured Home Alteration and Repair, including encouraging an interagency pilot project for issuing alteration permits, modifying provisions related to sales of altered homes, and establishing a civil penalty for failure to obtain a required permit.	C 268 L 02
ESB 6630	Prentice	<i>Electricians.</i> Makes various changes to electrical contracting and certification laws, including: establishing new certifications for master electricians; modifying work experience requirements and trade school program allowances for specialty electricians; modifying ratio requirements and job site supervision requirements for noncertified persons; and amending the definition of equipment to exclude all plug-in appliances.	C 249 L 02
<i>BUSINESS LICENSING & REGULATION</i>			
<i>CONSUMER PROTECTION</i>			
SHB 2513 (6424)	Wood	<i>Timeshares - presale.</i> Authorizes the sale of a timeshare reservation by a registered promoter prior to completion of the timeshare project.	C 226 L 02
SHB 2893	Clements	<i>Farm equipment dealers and suppliers.</i> Modifies the provisions regulating repurchase payments, prohibiting certain acts, and establishing processes for termination. Adds provisions governing warranty claims, safety work, product improvement, and remedies. Clarifies that state law regulating the relationship between dealers and suppliers of farm equipment applies only to persons engaged primarily in the sale of farm equipment.	C 236 L 02
2SSB 6080	Prentice	<i>Fireworks and explosives.</i> Conforms the definitions for explosives and fireworks to the definitions in federal statute. Creates civil penalties and authorizes rule-making to enforce civil remedies. Expands the dates on which consumer fireworks may be sold and used. Authorizes a local permit fee increase for consumer fireworks sales and for public displays of fireworks.	C 370 L 02

Bill Number (Companion)	Prime Sponsor	Summary	Status
<p align="center">BUSINESS LICENSING & REGULATION CONSUMER PROTECTION (Continued)</p>			
SSB 6264	Prentice	Chiropractors at martial arts events. Authorizes the Department of Licensing to include chiropractors as licensed officials during boxing, kickboxing, and martial arts events. Requires the event promoter to pay a chiropractor who participates as a licensed official at a boxing, kickboxing, or martial arts event.	C 147 L 02
ESSB 6412	Kohl-Welles	International matchmaking organizations - disclosure. Requires international matchmaking organizations doing business in Washington to facilitate the exchange of client information. Requires a client who is a Washington resident to provide background information. Makes it a violation of the consumer protection act to violate notice requirements, or to provide services if background information is withheld.	C 115 L 02
SB 6457	Carlson	Athlete agents - disclosure. Requires athlete agents to disclose certain specific information to student athletes and to educational institutions. Requires student athletes to disclose information to educational institutions. Specifies the contents of an agent-student contract, including a written warning the student may lose eligibility for participation in college sports. Provides criminal penalties and civil remedies for violations.	C 131 L 02
SB 6652	Prentice	Cosmetology - education and licensing. Implements certain recommendations of the state Cosmetology, Barbering, Esthetics, and Manicuring Board after review of industry practices and regulatory requirements. Changes educational requirements for the practice of manicuring and esthetics, redefines the categories of practice, and reduces overlapping functions. Changes licensing requirements for individuals, salons, and schools.	C 111 L 02
<p align="center">COLLECTIVE BARGAINING</p>			
2SHB 2403 (6440)	Kenney	Collective bargaining for faculty at public four-year institutions of higher education. Establishes procedures for exclusive bargaining representatives of faculty at the public four-year institutions of higher education to collectively bargain with the board of regents or trustees over wages, hours, and terms and conditions of employment. <u>Partial Veto:</u> The Governor vetoed two sections that would have prohibited the faculty from exercising shared governance practices while engaging in collective bargaining.	C 356 L 02 PV
ESHB 2540 (6403)	Conway	Collective bargaining for UW employees enrolled in academic programs. Makes the public employees' collective bargaining law applicable to teaching assistants and research assistants at the University of Washington.	C 34 L 02
ESHB 2662	McDermott	Payroll deductions for in-home care services workers. Requires the state, subject to certain reimbursements, to deduct dues and other payments from payments made to in-home care services workers who are in a collective bargaining unit.	C 99 L 02

Bill Number (Companion)	Prime Sponsor	Summary	Status
EMPLOYMENT - GENERAL			
SSB 6426 (2364)	Keiser	Leave to care for family members. Requires an employer to allow an employee to use sick leave or other paid time off to care for: a child with a health condition that requires treatment or supervision; or a spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition.	C 243 L 02
ESB 6675 (2601)	Prentice	Overtime work at health care facilities. Establishes limits on mandatory overtime for registered nurses and licensed practical nurses employed by certain health care facilities.	C 112 L 02
EMPLOYMENT - PUBLIC			
ESSB 5264	Prentice	Misclassification of public employees. Makes it an unfair practice for a public employer to misclassify an employee to avoid providing employment-based benefits.	C 155 L 02
SSB 6600	Prentice	Unclassified positions in municipal police departments. Establishes the number of positions that may be exempt from civil service in municipal police departments.	C 143 L 02
GAMBLING, HORSE RACING, & LOTTERY			
EHB 2918	Wood	Bingo - shared facilities and number of days play is permitted. Removes the three-times-per-week limit on bingo games at a single location. Permits existing nonprofit bingo operators to share facilities at one location. Requires a warning against pathological gambling be included in promotional material.	C 369 L 02
E2SSB 6560	Prentice	Lottery - shared game. Grants Legislative approval for agreements with other states to conduct a shared-game lottery. Establishes a pathological gambling treatment program within the DSHS. Directs shared-game lottery revenue to be distributed to the student achievement and education construction funds, the DSHS pathological gambling treatment program, and the general fund. Requires the DSHS to report to the Legislature regarding the implementation of a treatment program, program participation, and client outcomes.	C 349 L 02
LIQUOR & TOBACCO			
SB 6491 (2631)	Prentice	Liquor and gambling license background checks - FBI database. Clarifies authority for the Liquor Control Board and the Gambling Commission to access the FBI database through the Washington State Patrol for the purpose of conducting background checks for licensing.	C 119 L 02
SB 6591	Prentice, Oke	Tobacco - tax collection. Expands the definition of “distributor” for the purpose of tobacco tax collection to include any business that handles and sells tobacco products for which the state tax has not been collected. Clarifies that “distributor” does not include persons immune from state taxation under federal law.	C 325 L 02
SB 6601	Prentice	Liquor - restaurants on leased property. Allows a distillery, brewery, or winery to be licensed by the Liquor Control Board to operate a spirits, beer, and wine restaurant on property contiguous to and leased by the distillery, brewery, or winery.	C 109 L 02

Bill Number (Companion)	Prime Sponsor	Summary	Status
UNEMPLOYMENT COMPENSATION			
HB 1248 (5189)	Kessler	Victims of domestic violence. Allows an individual whose separation from employment was necessary because of domestic violence or stalking to receive unemployment benefits.	C 8 L 02
HB 2302 (6308)	Conway	Application methods. Allows an individual applying for unemployment insurance benefits through the Temporary Total Disability Program to file the initial application in a form other than in writing.	C 73 L 02
HB 2303 (6309)	Conway	Tax rates. Corrects the unemployment insurance contribution rate for Rate Class 16 in Schedule B.	Gov Vetoed
EHB 2901	Conway	Training benefits and tax equity. Freezes the maximum weekly benefit amount, and then caps its growth rate; makes changes in the training benefits program applicable to certain dislocated aerospace workers; makes changes in the tax system, including capping the rate schedule in 2004, adjusting various tax rates, increasing the taxable wage base for various employers, and providing for insolvency and equity surcharges. <i>Partial Veto: The Governor vetoed the section creating a joint task force to study unemployment insurance issues.</i>	C 149 L 02 PV
WORKERS' COMPENSATION			
2SHB 2663	Conway	Occupational diseases of fire fighters. Adds certain heart problems, specified cancers, and specified infectious diseases to the list of conditions that are presumed to be occupational diseases for fire fighters covered under the industrial insurance law. <i>Partial Veto: The Governor vetoed the legislative findings concerning the association of certain diseases with the employment conditions to which fire fighters are exposed.</i>	C 337 L 02 PV
WORKFORCE TRAINING			
ESJM 8014	Prentice	Employment and training services for disabled persons. Asks the executive heads of specified agencies to work together to improve employment and training services for persons with disabilities, to make recommendations for improving these services, and to report to the Legislature and Governor annually.	Filed Sec/St
WORKPLACE SAFETY			
SB 6328	Parlette	Cherry harvest temporary labor camps. Allows cherry harvest temporary labor camps to be used for the period beginning one week before cherry harvest begins to one week after harvest ends in the state.	C 23 L 02

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Bills Passed Out of Committee

Bill Number (Companion)	Prime Sponsor	Summary	Status
<i>BUILDING & CONSTRUCTION</i>			
HB 1324 (5248)	Conway	<i>Electrical board.</i> Adds one outside line worker to the electrical board; increases number of board members from 14 to 15.	S 2 nd R
HB 2410	Cairnes	<i>Plumbing board.</i> Clarifies that the Board of Plumbers may advise the Department of Labor and Industries on proposed legislation on plumbing.	S 2 nd R
<i>BUSINESS LICENSING & REGISTRATION</i>			
SHB 2576	Hunt	<i>Master license fees.</i> Authorizes the department to set master license fees by rule.	H Rules C
SHB 2667	Veloria	<i>International matchmaking organizations - licensing.</i> Requires foreign social referral agencies operating in Washington to be licensed. Requires referral agencies to provide clients with cultural information and information about another client, if requested. Similar Senate bill enacted.	H Approp
SHB 2710	Van Luven	<i>Halal food products - sales and misrepresentation.</i> Makes the sale of food represented as halal, but known to be not halal, a gross misdemeanor and a violation of the consumer protection act.	S Rules 2G
<i>GAMBLING, HORSE RACING, & LOTTERY</i>			
SHB 2624	Conway	<i>Lottery - shared game.</i> Grants Legislative approval for agreements with other states to conduct a shared-game lottery. Establishes a pathological gambling treatment program within the DSHS. Requires shared-game lottery revenues be applied to support of the common schools, the Washington promise scholarship program, and to the education and treatment of problem gambling and pathological gambling. Provides for an annual transfer of shared-game lottery revenues into the student achievement fund and the education construction fund prior to other transfers. Similar Senate bill enacted.	H Finance
HB 2631 (6491)	Conway	<i>Gambling and liquor license background checks - FBI database.</i> Clarifies authority for the Liquor Control Board and Gambling Commission to access the FBI database through the Washington State Patrol for the purpose of conducting background checks for licensing.	H Rules R
HB 2817	Lantz	<i>Gambling - local zoning authority.</i> Recognizes that local jurisdictions may exercise land use and zoning powers with respect to licensed gambling activities.	Senate LCFI

Bill Number (Companion)	Prime Sponsor	Summary	Status
EMPLOYMENT - GENERAL			
HB 2364	Dickerson	Leave to care for family members. Requires an employer to allow an employee to use sick leave or other paid time off to care for a child, spouse, or parent of the employee with a health condition that requires treatment or supervision. Similar Senate bill enacted.	S Rules 2G
HB 2469	Wood	Noncompetition agreements in the broadcasting industry. Prohibits broadcasting industry employers from requiring certain employees to enter into noncompetition agreements.	H Rules C
HB 2642	Hurst	Leave for volunteer fire fighters. Bars a volunteer fire fighter from filing a complaint or bringing an action for wrongful discharge or discipline because of leave taken related to a fire or an emergency unless the volunteer fire fighter notified his or her employer of his or her volunteer service.	S 2 nd R
ESSB 5329	Costa	Leave for crime victims. Requires an employer to allow crime victims to take leave from work to obtain medical, legal, or other services.	H Rules R
UNEMPLOYMENT COMPENSATION			
SHB 2355	Kagi	Unemployment compensation payable to individuals who took family and medical leave. Allows an unemployment claimant to request a special base year when the claimant has taken family and medical leave during the normal base year.	S Rules 2G
SHB 2604	Clements	New and successor employer tax rates. Changes the unemployment insurance contribution rate for certain unqualified employers to the average industry rate plus 20 percent. Requires the Employment Security Department to report to the Legislature on the effectiveness of the new rate by December 31, 2005.	S W&M
SSB 6735	Rasmussen	Direct deposit of benefits. Allows unemployment compensation recipients to elect to have their benefits deposited directly to their accounts in financial institutions.	H Rules
HJM 4019	Simpson	Requesting Congress to remove benefits from federal taxation. Requests the United States Congress to enact legislation removing unemployment insurance benefits from taxation under federal Internal Revenue Code.	H Rules R
WAGE & HOUR			
SHB 2601 (6675)	Cody	Overtime work at health care facilities. Establishes limits on mandatory overtime for certain health care employees. Similar Senate bill enacted.	H Approp
WORKERS' COMPENSATION			
2SSB 5797	Prentice	Advanced registered nurse practitioners. Makes health services provided by advanced registered nurse practitioners, within their scope of practice, available to injured workers.	H Rules R

Bill Number (Companion)	Prime Sponsor	Summary	Status
WORKFORCE TRAINING			
2SHB 2630	Conway	<i>Apprenticeship utilization requirements for public works.</i> Requires that contracts for public works awarded by certain state agencies require that apprentices enrolled in state-approved apprenticeship training programs participate in the projects at specified levels.	H Rules C
SHCR 4402 (8404)	Kenney	<i>State comprehensive plan for work force training and education.</i> Adopts goals set forth in the updated comprehensive plan for work force training and education.	H Rules C
WORKPLACE SAFETY			
E2SHB 2427	Conway	<i>Occupational safety and health impact grants.</i> Establishes an occupational safety and health impact grant program; authorizes grants of up to \$250,000 for education and training, technical innovation, and application of hazard controls; and appropriates \$5 million from medical aid fund reserves in excess of actuarial needs for the program. <i><u>Budget Note:</u> 2002 supplemental operating budget provides \$5 million for the program.</i>	S Failed
HB 2695	Conway	<i>Railroad safety.</i> Allows railroad company employees that are fatigued and unable to safely perform their duties to absent themselves from service to their companies. Authorizes the Utilities and Transportation Commission to fine railroad companies that take adverse actions against these employees.	H Trans
ESB 6769	Honeyford	<i>Shepherd housing.</i> Prohibits the Department of Labor and Industries from enforcing standards for range shepherd mobile housing that exceed applicable federal standards.	H Rules R

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Bills Referred to Committee

Bill Number (Companion)	Sponsor	Summary
<i>BUILDING AND CONSTRUCTION</i>		
HB 2755	Hunt	<i>Installation code for manufactured structures.</i> Requires the State Building Code Council to develop and adopt a manufactured structure installation code for local building inspectors to use in inspecting installations of mobile/manufactured homes and factory assembled structures.
<i>BUSINESS LICENSING</i>		
HB 2499	Hunt	<i>Health clubs - sanitation.</i> Requires the secretary of the Department of Health to adopt rules providing for sanitation and infection control at health clubs.
HB 2692	Sullivan	<i>Redefining motorcycle relevant market area.</i> Redefines relevant market area on the basis of the population of the county in which the dealership is located, and creates three levels of relevant market area.
<i>CONSUMER PROTECTION</i>		
HB 2349	Ruderman	<i>Requiring a social security number - prohibition against.</i> Makes it unlawful and a violation of the consumer protection act to require a social security number for identification purposes as a condition of doing business with an individual, unless federal law requires collection of the social security number.
HB 2714	Murray	<i>Real estate transactions - application of consumer protection act.</i> Makes the consumer protection act applicable to the practices of licensed real estate salespersons and brokers.
<i>EMPLOYMENT - GENERAL</i>		
HB 2543	Wood	<i>Just cause for adverse employment actions.</i> If an employer requires notice of an intent to quit and an employee gives notice as required, the employer must have just cause to take adverse action against employee from time of notice to time of quit.
HB 2811	Conway	<i>Employee inspection of personnel files.</i> Requires employers to permit employees to inspect and copy personnel files; requires employers to retain files for three years; provides that, for purposes of reviewing personnel files, individuals performing personal services for third parties under contract with temporary service agencies are employees of both the agency and the third party; and provides for administrative and judicial penalties.
<i>EMPLOYMENT - PUBLIC</i>		
HB 2996	Clements	<i>Strikes by teachers.</i> Makes strikes by teachers and lockouts by school districts unlawful, and establishes penalties for violations.
HB 2997	Chandler	<i>Strikes by state employees.</i> Makes strikes by state employees and lockouts by employers unlawful, and establishes penalties for violations.

Bill Number (Companion)	Sponsor	Summary
<i>GAMBLING, HORSE RACING, AND LOTTERY</i>		
HB 2701	Wood	<i>Gambling - treatment of pathological gambling.</i> Establishes a program for pathological gambling treatment within the DSHS. Appropriates up to one million dollars from the general fund for each of the fiscal years 2003 and 2004 to the DSHS for the program. Appropriates up to five hundred thousand from the general fund for each of the fiscal years 2003 and 2004 to the gambling commission for problem gambling prevention.
HB 2774	Clements	<i>Creating the Washington state gaming commission.</i> Establishes a state gaming commission. Abolishes the state lottery and horse racing commissions and transfers all corresponding powers, duties, and functions to a state gaming commission.
HB 2875	McIntire	<i>Lottery - voluntary income game.</i> Requires the lottery commission to conduct an additional lottery game consisting of voluntary payments and a monthly drawing.
HB 2900	Kessler	<i>Gambling - casino style gaming in nontribal establishments.</i> Authorizes the gambling commission to license nontribal businesses engaged in the sale of food and beverages for on premises consumption to conduct contests of chance like those a tribal casinos. Adds electronic pull-tabs to the gambling activities for which a license may be granted. Creates a new gambling policy statement and removes “as a commercial stimulant” as the underlying purpose of licensed commercial gambling. Implements a state tax on electronic pull-tabs.
HB 2913	Sullivan	<i>Lottery - limiting price of ticket.</i> Places a limit on the price of lottery tickets and requires that lottery revenue be used to fund K-12 education.
HB 2946	Gombosky	<i>Lottery - five minute Keno.</i> Authorizes the lottery commission to conduct online games with drawings at intervals greater than once every 24 hours. Removes the prohibition against stand-alone electronic or mechanical gambling devices.
HB 2953	Morris	<i>Gambling - electronic pull-tabs.</i> Authorizes the gambling commission to license nonprofit and commercial operators to conduct electronic pull-tab games. Implements a state tax on electronic pull-tabs.
<i>LIQUOR AND TOBACCO</i>		
HB 2813	Conway	<i>Liquor - responsible vendor program.</i> Establishes a responsible vendor program for liquor licensees to prevent the sale of alcohol to minors.
HB 2920	Grant	<i>Liquor - advertising and Sunday sales.</i> Removes the restriction on all forms of advertising, and prohibits only advertising through any electronic medium. Removes the restriction on Sunday sales.
SB 6395	Rasmussen	<i>Liquor - 18 to 21 year-olds handling and stocking.</i> Permits retail licensees to allow persons between the ages of 18 and 21 years employed by nonretail liquor licensees to handle, stock, and merchandise beer and wine on the retail premises when an adult employee of the retail licensee also is on the premises.
<i>UNEMPLOYMENT COMPENSATION</i>		
HB 2562	Conway	<i>Criteria for receiving benefits.</i> Eliminates the waiting week that claimants are required to serve before receiving unemployment benefits, permits claimants to search for part-time work of at least 15 hours per week, and increases the earnings disregard used when calculating partial unemployment benefits.

Bill Number (Companion)	Sponsor	Summary
WAGE AND HOUR		
HB 2485	Hurst	<i>Airport security.</i> Requires port districts operating certain airports (Port of Seattle) to undertake programs to reduce work force turnover and establish high employment standards among businesses operating at airports; also requires that they ensure that contractors and tenants operating businesses at airports have satisfactory records of compliance with statutes and rules and business integrity.
HB 2539	Conway	<i>Private right of action for unpaid prevailing wages.</i> Permits interested parties (as well as claimants) to file private rights of action for unpaid prevailing wages.
HB 2752	Grant	<i>Minimum wage exclusion for agricultural laborers.</i> Expands the exclusion from the state minimum wage law of workers who are hand harvesters and are paid on a piece rate basis.
HB 2777	Clements	<i>Minimum wage for services in agriculture.</i> Sets the minimum wage rate at \$6.90 for services in agriculture; provides that ergonomics rules shall be given “no force or effect”; prohibits the Department of Labor and Industries from adopting any rules that are substantially the same.
HB 2802	Chandler	<i>Minimum wage for agricultural employment.</i> Sets the minimum wage rate at \$6.90 for agricultural employment.
HB 2803	Chandler	<i>Minimum wage for initial employment.</i> Makes the minimum wage rate applicable only to persons employed for more than 90 days.
HB 2820	Schoesler	<i>Minimum wage for trainees and minors.</i> Sets the minimum wage rate at 80% of the adjusted minimum wage rate for employees under 18 and for employees employed for less than 120 days.
HB 2904	Clements	<i>Meaning of state wage and hour laws.</i> Provides that state wage and hour laws be given the same meaning as comparable federal laws.
HB 2921	Chandler	<i>Minimum wage through January 1, 2006.</i> Directs the Employment Security Department to contract with the University of Washington to study the impact of the indexing of state minimum wage rates; sets the minimum wage rate at \$6.90 through January 1, 2006.
WORKERS' COMPENSATION		
HB 2905	Clements	<i>Calculation of workers' compensation benefits.</i> Revises benefits for injured workers by changing the definition of “wages” to exclude fringe benefits, basing the calculation of monthly wages on one-twelfth of wages in four successive quarters, and increasing the maximum vocational rehabilitation benefits.
HB 2848	Clements	<i>Management of insolvent self-insured employers' claims.</i> Requires the Department of Labor and Industries to contract with a third party to manage the industrial insurance claims of insolvent self-insured employers unless not enough bids are submitted, and permits the insolvency trust board to audit insolvent self-insurer claims.

Bill Number (Companion)	Sponsor	Summary
WORKPLACE SAFETY		
HB 2730 HB 2938 HB 2957 HB 2966 HB 2994 HB 3021	Clements	<i>Repealing ergonomics rules.</i> Provides that ergonomics rules be given “no force or effect”; prohibits the Department of Labor and Industries from adopting any rules that are substantially the same.
HB 2861	Schoesler	<i>Safety and health standards for agriculture and food processing.</i> Sets the minimum wage rate at \$6.90 for services in agriculture or processing; provides that ergonomics rules do not apply to services in agriculture or processing; permits administrative rules to be challenged in the superior court of any county (not just Thurston County); authorizes the Department of Agriculture to establish and administer safety and health standards applicable to services in agriculture and processing; repeals the Department of Labor and Industries’ authority to establish and administer such standards.
HB 2924	Sehlin	<i>Compliance with safety and health standards.</i> Requires employers to provide employees with a workplace in compliance with safety and health standards, rather than to comply with safety and health standards.
HB 3027	Grant	<i>Implementing the governor’s competitiveness council report on ergonomics rules.</i> Repeals ergonomics rules; requires the Department of Labor and Industries to develop and distribute educational materials, develop education and training programs, identify technical approaches and best practices, and develop voluntary guidelines related to ergonomics.

2002 SESSION REPORT
House Commerce & Labor Committee

Veto of HB 2303

March 21, 2002

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2303 entitled:

"AN ACT Relating to correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes;"

This bill was requested by the Employment Security Department. It would have corrected a clerical error in Schedule "B" for rate class 16 in the unemployment insurance tax schedules. The purpose for the correction was to prevent employers who are in rate class 16 from paying higher taxes when Schedule "B" is in effect.

However, after the passage of this bill, the legislature passed Engrossed House Bill No. 2901 which also makes the necessary correction to Schedule "B", as well as other more substantive changes to the unemployment insurance tax system. If House Bill No. 2901 were signed, it could create a confusing double amendment to the tax schedule.

For these reasons I have vetoed House Bill No. 2303 in its entirety.

Respectfully submitted,

Gary Locke
Governor

2002 SESSION REPORT
House Commerce & Labor Committee

Partial Veto of 2SHB 2403

April 4, 2002

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 5, Second Substitute House Bill No. 2403 entitled:

"AN ACT Relating to labor relations at the public four-year institutions of higher education;"

Second Substitute House Bill No. 2403 is an historic measure that will allow faculty at our four-year higher education institutions to collectively bargain, should they choose to do so. It establishes a process for elections, certification of bargaining units and the scope of bargaining.

Section 2 of the bill would have required faculty to choose between collective bargaining and shared faculty governance systems with respect to policies on academic and professional matters. Similarly, section 5, relating to the right to organize or refrain from organizing, would have provided that faculty members may not engage in collective bargaining until any existing faculty senate or council is abolished.

The functions of the faculty governance system and collective bargaining are separate and distinct. Faculty governance systems advise the universities on issues pertaining to curriculum development, content of courses and other issues that are prohibited subjects of collective bargaining under section 4 of this bill. Collective bargaining addresses issues such as wages and terms and conditions of employment. Neither system is equipped to fill the role of the other.

The right for faculty to collectively bargain is both implied and expressed in several provisions of this bill. Vetoing sections 2 and 5 will have no impact on that grant of right, and little impact on the overall framework set out by the bill.

For these reasons, I have vetoed sections 2 and 5 of Second Substitute House Bill No. 2403.

With the exception of sections 2 and 5, Second Substitute House Bill No. 2403 is approved.

Respectfully submitted,

Gary Locke
Governor

2002 SESSION REPORT
House Commerce & Labor Committee

Partial Veto of 2SHB 2663

April 3, 2002

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Second Substitute House Bill No. 2663 entitled:

"AN ACT Relating to occupational diseases affecting fire fighters;"

Second Substitute House Bill No. 2663 creates a rebuttable prima facie presumption that certain heart problems, cancer and infectious diseases are occupational diseases for fire fighters covered by industrial insurance. This is a law that I strongly support.

However, the assumptions in section 1 of this bill have not been clearly validated by science and medicine. Allowing those assumptions to become law could have several unintended consequences, including modifying the legal basis of the presumptions in section 2 of the bill, providing an avenue for the allowance of disease claims in other industries; and unnecessarily limiting the use of new scientific information in administering occupational disease claims.

For these reasons, I have vetoed section 1 of Second Substitute House Bill No. 2663.

With the exception of section 1, Second Substitute House Bill No. 2663 is approved.

Respectfully submitted,

Gary Locke
Governor

2002 SESSION REPORT
House Commerce & Labor Committee

Partial Veto of EHB 2901

March 26, 2002

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 14, Engrossed House Bill No. 2901 entitled:

"AN ACT Relating to unemployment insurance;"

Engrossed House Bill No. 2901 makes substantive changes to the unemployment insurance (UI) tax system that will be phased in over the next several years. Many of the reforms are based on a 1998 study conducted by the Employment Security Department.

Section 14 of the bill would have created a 16-member task force comprised of legislators, business and labor representatives to further study the UI system, and issue a report by December 31, 2003. Topics for the study included tax equity proposals, benefit structure and costs, experience rating, and any other issues deemed appropriate by the task force.

The task force would have been asked to report on issues covered by EHB 2901, prior to the full implementation of the bill, and before the full effectiveness of the act could be properly measured.

For these reasons, I have vetoed section 14 of Engrossed House Bill No. 2901.

With the exception of section 14, Engrossed House Bill No. 2901 is approved.

Respectfully submitted,

Gary Locke
Governor